

M E M O R A N D U M

To: Mark de Bie, Chief Date: January 31, 2011
Permitting & Assistance Branch
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

From: 
Susan Markie, Section Manager
Permits & Assistance South Section
Permitting and Assistance Branch

Subject: EMERGENCY WAIVER DOCUMENTS FOR THE FRANK R. BOWERMAN
LANDFILL (FACILITY NUMBER 30-AB-0360), OLINDA ALPHA LANDFILL
(30-AB-0035), AND PRIMA DESHECHA LANDFILL (30-AB-0019), ORANGE
COUNTY

Pursuant to Title 14, California Code of Regulations (14 CCR), Section 17210.9, the attached waiver documents are hereby transmitted for your review.

The Branch Chief's powers and duties relative to the emergency waivers via the November 1, 2010 Delegation of Authority are as follows:

- Once the waiver is issued, the Branch Chief may condition, limit, suspend, or terminate an operator's use of a waiver, if it is determined that the use of the waiver would cause harm to public health and safety, or the environment.
- The Branch Chief may condition, limit, suspend, or terminate an operator's use of a waiver if it is found that the operator has not utilized reasonably available waste diversion programs as identified in its waiver documentation.
- The Branch Chief shall report at a regularly scheduled meeting any granting of a waiver and all determinations made concerning the waiver.

Background: On December 21, 2010, the Governor of the State of California proclaimed a State of Emergency in the County of Orange and five other counties in the State due to severe winter storms on December 18, 2010. Consequently on December 22, 2010, Orange County Waste & Recycling contacted the Solid Waste Local Enforcement Agency (LEA) and verbally requested a temporary waiver of specific terms in the Solid Waste Facility Permits (SWFPs) for the Frank R. Bowerman, Alpha Olinda, and Prima Deshecha landfills. The LEA granted conditional verbal approval of the emergency waiver, pending receipt of the formal written request. On December 28, 2010, the LEA received Orange County Waste & Recycling formal Emergency Waiver request letter. Pursuant to 14 CCR Section 17210.8, the LEA for the County of Orange has granted an emergency waiver as follows:

- The request was made in order that all three landfills could accept storm debris and soils generated by post storm cleanup and stabilization efforts with extended hours to 8 p.m. from Monday through Sunday at each facility. Only storm related

debris will be accepted during the extended hours/days. The current hours/days for receipt of refuse at the three landfills are as follows:

Frank R. Bowerman	7:00 a.m. to 5:00 a.m. Monday through Saturday and 24 hours/day Monday through Sunday for ancillary operations (construction and maintenance).
Olinda Alpha	7:00 a.m. to 5:00 a.m. Monday through Saturday and 24 hours/day Monday through Sunday for ancillary operations.
Prima Deshecha	6:00 a.m. to 4:00 p.m. Monday through Saturday and 24 hours/day Monday through Sunday for ancillary operations (construction and maintenance).

- The temporary waiver of the SWFPs prohibited wastes applies to emergency wastes and debris. All other SWFPs terms and conditions shall remain in effect and apply to all non-emergency related wastes and debris.
- Orange County Waste and Recycling shall comply with the reporting requirements contained in 14 CCR Section 17210.5. The reports shall include emergency related daily tonnage that is placed in the landfills, identification of all facilities involved in the process and diversion of storm debris.
- The granting of the emergency waiver is for 90 days, terminating on March 21, 2011.

Staff reviewed the emergency waiver and no issues were identified.

Staff, therefore, recommends that you include the following in your February Public Meeting Report:

- Pursuant to 14 CCR Section 17210.9, the Executive Director, shall review all Enforcement Agency waiver approvals and shall report at a regularly scheduled meeting any granting of a waiver and all determinations made concerning the waiver. (On 11-1-10 this responsibility was delegated to the Chief for the Permitting & Assistance Branch.)
- On December 21, 2010, the Governor of the State of California proclaimed a State of Emergency in the County of Orange and five other counties in the State due to severe winter storms on December 18, 2010.
- On December 22, 2010, Orange County Waste & Recycling requested a temporary waiver of specific terms in the SWFPs for the Frank R. Bowerman, Alpha Olinda, and Prima Deshecha landfills in order to accept storm related debris during extended hours Monday through Sunday during the recovery phase of the emergency.
- On December 29, 2010, pursuant to 14 CCR 17210.4, the LEA for the County of Orange granted the emergency waiver as follows:

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- The emergency waiver is for the Frank R. Bowerman, Olinda Alpha, and Prima Deshecha Landfills;
- The waiver specifically allows for extended landfill hours to 8 p.m. from Monday through Sunday at all three landfills;
- The granting of the emergency waiver is for 90 days, terminating March 21, 2011;
- No conditions, limits or terminations are warranted relative to the granted waiver.

Attachments

